



# Commonwealth of Massachusetts State Ethics Commission

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SUFFOLK, ss

COMMISSION ADJUDICATORY  
DOCKET NO. 06-0019

IN THE MATTER  
OF  
THOMAS E. CISLAK

## **DISPOSITION AGREEMENT**

This Disposition Agreement is entered into between the State Ethics Commission and Thomas E. Cislak pursuant to Section 5 of the Commission's *Enforcement Procedures*. This Agreement constitutes a consented-to final order enforceable in Superior Court, pursuant to G.L. c. 268B, § 4(j).

On March 16, 2006, the Commission initiated, pursuant to G.L. c. 268B, § 4(a), a preliminary inquiry into possible violations of the conflict of interest law, G.L. c. 268A, by Cislak. The Commission has concluded its inquiry and, on July 25, 2006, found reasonable cause to believe that Cislak violated G.L. c. 268A.

The Commission and Cislak now agree to the following findings of fact and conclusions of law:

### ***Findings of Fact***

1. From March 2005 until April 2006, Cislak served as a member of the Ludlow Department of Public Works (DPW) board.
2. Cislak and/or his family own and operate companies that do paving work.
3. The DPW issues permits for certain paving work.
4. On six occasions when Cislak served on the DPW board, he did paving work requiring a DPW permit. Cislak's average profit for such work was \$400 per project.

### ***Conclusions of Law***

5. Section 17(a) of G.L. c. 268A prohibits a municipal employee, otherwise than as provided by law for the proper discharge of official duties, from directly or indirectly receiving or requesting compensation from anyone other than the municipality in relation to a particular matter' in which the municipality has a direct and substantial interest.

6. As a DPW member, Cislak was a municipal employee as that term is defined in G.L. c. 268A, § 1(g), and therefore subject to the conflict-of-interest law.

7. DPW permits for paving projects were particular matters.

8. The town had a direct and substantial interest in these decisions because the DPW issues such permits and has a direct and substantial interest in the condition of paving work done in town.

9. The compensation Cislak received for paving work requiring DPW permits was in relation to permits issued by the DPW. Cislak was not authorized by law to receive private compensation in relation to these DPW particular matters.

10. Thus, Cislak received compensation from a private party other than the town, in relation to projects requiring DPW permits, particular matters in which the town had a direct and substantial interest. By so doing, Cislak violated § 17(a).

### ***Resolution***

In view of the foregoing violation of G.L. c. 268A by Cislak, the Commission has determined that the public interest would be served by the disposition of this matter without further enforcement proceedings, on the basis of the following terms and conditions agreed to by Cislak:

- (1) that Cislak pay to the Commission the sum of \$3,000.00 as a civil penalty for violating G.L. c. 268A, §17(a);
- (2) that Cislak pay to the Commission the sum of \$2,400 as a civil forfeiture of the compensation that he received for work done in relation to matters involving the DPW; and
- (3) that he waive all rights to contest the findings of fact, conclusions of law and terms and conditions contained in this Agreement in this or any other related administrative or judicial proceedings to which the Commission is or may be a party.

DATE: November 15, 2006

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<sup>1</sup> "Particular matter," any judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, finding, but excluding enactment of general legislation by the general court and petitions of cities, towns, counties and districts for special laws related to their governmental organizations, powers, duties, finances and property. G.L. c. 268A, § 1(k).